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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,993	08/21/2003	Kathryn Chinn	07844-599001 / P552	1127
21876 7590 07/05/2007 FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER BAKER, CHARLOTTE M	
			ART UNIT 2625	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/646,993	CHINN ET AL.	
	Examiner	Art Unit	
	Charlotte M. Baker	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/21/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/05/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the computer program on a computer readable medium must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

2. Claims 26-50 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer program product claimed is merely a set of instructions per se. Since the computer program is merely a set of instructions not embodied on a computer readable medium to realize the computer program functionality, the claimed subject matter is non-statutory.

Suggestion: A computer readable medium storing a computer program...

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Hawksworth (US 2004/0118310 A1).

Regarding claim 1: The structural elements of apparatus claim 26 perform all of the steps of method claim 1. Thus, claim 1 is rejected for the same reasons discussed in the rejection of claim 26.

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Regarding claim 2: Hawksworth satisfies all the elements of claim 1. The structural elements of apparatus claim 27 perform all of the steps of method claim 2. Thus, claim 2 is rejected for the same reasons discussed in the rejection of claim 27.

Regarding claim 3: Hawksworth satisfies all the elements of claim 2. The structural elements of apparatus claim 28 perform all of the steps of method claim 3. Thus, claim 3 is rejected for the same reasons discussed in the rejection of claim 28.

Regarding claim 4: Hawksworth satisfies all the elements of claim 1. The structural elements of apparatus claim 29 perform all of the steps of method claim 4. Thus, claim 4 is rejected for the same reasons discussed in the rejection of claim 29.

Regarding claim 5: Hawksworth satisfies all the elements of claim 4. The structural elements of apparatus claim 30 perform all of the steps of method claim 5. Thus, claim 5 is rejected for the same reasons discussed in the rejection of claim 30.

Regarding claim 6: Hawksworth satisfies all the elements of claim 1. The structural elements of apparatus claim 31 perform all of the steps of method claim 6. Thus, claim 6 is rejected for the same reasons discussed in the rejection of claim 31.

Regarding claim 7: Hawksworth satisfies all the elements of claim 6. The structural elements of apparatus claim 32 perform all of the steps of method claim 7. Thus, claim 7 is rejected for the same reasons discussed in the rejection of claim 32.

Regarding claim 8: Hawksworth satisfies all the elements of claim 1. The structural elements of apparatus claim 33 perform all of the steps of method claim 8. Thus, claim 8 is rejected for the same reasons discussed in the rejection of claim 33.

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Regarding claim 9: Hawksworth satisfies all the elements of claim 8. The structural elements of apparatus claim 34 perform all of the steps of method claim 9. Thus, claim 9 is rejected for the same reasons discussed in the rejection of claim 34.

Regarding claim 10: Hawksworth satisfies all the elements of claim 1. The structural elements of apparatus claim 35 perform all of the steps of method claim 10. Thus, claim 10 is rejected for the same reasons discussed in the rejection of claim 35.

Regarding claim 11: Hawksworth satisfies all the elements of claim 1. The structural elements of apparatus claim 36 perform all of the steps of method claim 11. Thus, claim 11 is rejected for the same reasons discussed in the rejection of claim 36.

Regarding claim 12: Hawksworth satisfies all the elements of claim 1. The structural elements of apparatus claim 37 perform all of the steps of method claim 12. Thus, claim 12 is rejected for the same reasons discussed in the rejection of claim 37.

Regarding claim 13: Hawksworth satisfies all the elements of claim 12. The structural elements of apparatus claim 38 perform all of the steps of method claim 13. Thus, claim 13 is rejected for the same reasons discussed in the rejection of claim 38.

Regarding claim 14: Hawksworth satisfies all the elements of claim 12. The structural elements of apparatus claim 39 perform all of the steps of method claim 14. Thus, claim 14 is rejected for the same reasons discussed in the rejection of claim 39.

Regarding claim 15: Hawksworth satisfies all the elements of claim 12. The structural elements of apparatus claim 40 perform all of the steps of method claim 15. Thus, claim 15 is rejected for the same reasons discussed in the rejection of claim 40.

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Regarding claim 16: Hawksworth satisfies all the elements of claim 12. The structural elements of apparatus claim 41 perform all of the steps of method claim 16. Thus, claim 16 is rejected for the same reasons discussed in the rejection of claim 41.

Regarding claim 17: Hawksworth satisfies all the elements of claim 1. The structural elements of apparatus claim 42 perform all of the steps of method claim 17. Thus, claim 17 is rejected for the same reasons discussed in the rejection of claim 42.

Regarding claim 18: Hawksworth satisfies all the elements of claim 1. The structural elements of apparatus claim 43 perform all of the steps of method claim 18. Thus, claim 18 is rejected for the same reasons discussed in the rejection of claim 43.

Regarding claim 19: Hawksworth satisfies all the elements of claim 18. The structural elements of apparatus claim 44 perform all of the steps of method claim 19. Thus, claim 19 is rejected for the same reasons discussed in the rejection of claim 44.

Regarding claim 20: Hawksworth satisfies all the elements of claim 18. The structural elements of apparatus claim 45 perform all of the steps of method claim 20. Thus, claim 20 is rejected for the same reasons discussed in the rejection of claim 45.

Regarding claim 21: Hawksworth satisfies all the elements of claim 1. The structural elements of apparatus claim 46 perform all of the steps of method claim 21. Thus, claim 21 is rejected for the same reasons discussed in the rejection of claim 46.

Regarding claim 22: Hawksworth satisfies all the elements of claim 21. The structural elements of apparatus claim 47 perform all of the steps of method claim 22. Thus, claim 22 is rejected for the same reasons discussed in the rejection of claim 47.

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Regarding claim 23: Hawksworth satisfies all the elements of claim 1. The structural elements of apparatus claim 48 perform all of the steps of method claim 23. Thus, claim 23 is rejected for the same reasons discussed in the rejection of claim 48.

Regarding claim 24: Hawksworth satisfies all the elements of claim 1. The structural elements of apparatus claim 49 perform all of the steps of method claim 24. Thus, claim 24 is rejected for the same reasons discussed in the rejection of claim 49.

Regarding claim 25: Hawksworth satisfies all the elements of claim 24. The structural elements of apparatus claim 50 perform all of the steps of method claim 25. Thus, claim 25 is rejected for the same reasons discussed in the rejection of claim 50.

Regarding claim 26: Hawksworth discloses receive data representing a first color representing a first ink (spot colors, par. 36) and a second color representing a second ink (process colors, par. 36) and one or more color parameters for each of the first and second colors (Fig. 1); and define a first mixed color group (Fig. 3, swatch list) including a first plurality of mixed color swatches each representing a mixture of an amount of the first color and an amount of the second color (Fig. 1 and par. 36), the amounts of the first color and the second color for each of the mixed color swatches (Fig. 3, swatch list) being defined according to a function of the color parameters of the first and second colors (Fig. 1) (par. 36 and par. 46).

Regarding claim 27: Hawksworth satisfies all the elements of claim 26. Hawksworth further discloses display a representation of the first mixed color group (Fig. 1).

Regarding claim 28: Hawksworth satisfies all the elements of claim 27. Hawksworth further discloses the instructions operable to cause the computer program to display a representation of the first mixed color group (Fig. 1, color mixing tool) includes instructions operable to cause the

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computer program to display a representation of the first plurality of mixed color swatches as an arrangement of discrete colors (Fig. 1 and pars. 35-36).

Regarding claim 29: Hawksworth satisfies all the elements of claim 26. Hawksworth further discloses the first ink is a spot ink (Fig. 1, spot colors) (pars. 35-36).

Regarding claim 30: Hawksworth satisfies all the elements of claim 29. Hawksworth further discloses the second ink is a spot ink or a process ink (Fig. 1, process colors) (pars. 35-36).

Regarding claim 31: Hawksworth satisfies all the elements of claim 26. Hawksworth further discloses the color parameters include an initial amount (Fig. 1, list of colors), an increment value (Fig. 1, percentage), and a repeat value (Fig. 4) for each of the first color (spot color) and the second color (process color) (pars. 49-50).

Regarding claim 32: Hawksworth satisfies all the elements of claim 31. Hawksworth further discloses the instructions operable to cause the computer program to define a first mixed color group (Fig. 1, color mixing tool) includes instructions operable to cause the computer program to calculate the amount (Fig. 2 and pars. 39-40) of each of the first color (spot color) and the second color (process color) for each of the plurality of mixed color swatches based on the initial amounts (Fig. 1, list of colors), the increment values (Fig. 1, percentage) and the repeat values (Fig. 4).

Regarding claim 33: Hawksworth satisfies all the elements of claim 26. Hawksworth further discloses the instructions operable to cause the computer program to receive data representing the first (spot color) and second colors (process color) and the one or more color parameters includes instructions operable to cause the computer program to receive user input (Figs. 2 and 4 and pars. 39, 41 and 42).

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Regarding claim 34: Hawksworth satisfies all the elements of claim 33. Hawksworth further discloses the instructions operable to cause the computer program to receive user input includes include instructions operable to cause the computer program to receive user input in a graphical user interface (Figs. 1, 2 and 4 and pars. 39, 41 and 42).

Regarding claim 35: Hawksworth satisfies all the elements of claim 26. Hawksworth further discloses the instructions operable to cause the computer program to receive data representing the first (spot color) and second colors (process color) and the one or more color parameters (Figs. 2 and 4 and pars. 39, 41 and 42) includes instructions operable to cause the computer program to receive data from a memory (memory is an inherent feature of a computer and a computer is what the software is running in, par. 5).

Regarding claim 36: Hawksworth satisfies all the elements of claim 35. Hawksworth further discloses the instructions operable to cause the computer program to receive data representing the first (spot color) and second colors (process color) and the one or more color parameters includes instructions operable to cause the computer program to receive at least one of the first color (spot color), the second color (process color), or one of the one or more color parameters separately (Figs. 1 and 4 and pars. 49-51).

Regarding claim 37: Hawksworth satisfies all the elements of claim 26. Hawksworth further discloses operable to cause the computer program to: receive data representing a third color representing a third ink (Figs. 4 and 6); and define a second mixed color group of swatches based on the first mixed color group and the third color (Figs. 4 and 6 and pars. 51-58 and Table 3).

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Regarding claim 38: Hawksworth satisfies all the elements of claim 37. Hawksworth further discloses the third color (Figs. 4 and 6) is represented by one of the mixed color swatches of the first mixed color group (Figs. 4 and 6 and pars. 51-58 and Table 3).

Regarding claim 39: Hawksworth satisfies all the elements of claim 37. Hawksworth further discloses the instructions operable to cause the computer program to define a second mixed color group (Figs. 4 and 6 and pars. 51-58 and Table 3) include instructions operable to add one or more color swatches to the first mixed color group based at least in part on the third color (Figs. 4 and 6 and pars. 51-58 and Table 3).

Regarding claim 40: Hawksworth satisfies all the elements of claim 37. Hawksworth further discloses the instructions operable to cause the computer program to define a second mixed color group (Figs. 4 and 6 and pars. 51-58 and Table 3) include instructions operable to redefine the first mixed color group (Figs. 4 and 6 and pars. 51-58 and Table 3) by substituting the third color for one of the first color or the second color (Figs. 4 and 6 and pars. 51-58 and Table 3).

Regarding claim 41: Hawksworth satisfies all the elements of claim 37. Hawksworth further discloses wherein the instructions operable to cause the computer program to receive a second mixed color group (Figs. 4 and 6 and pars. 51-58 and Table 3) include instructions operable to cause the computer program to define a second mixed color group (Figs. 4 and 6 and pars. 51-58 and Table 3) including a second plurality of mixed color swatches each representing a mixture of an amount of two or more of the first color (Figs. 4 and 6 and pars. 51-58 and Table 3), the second color and the third color (Figs. 4 and 6 and pars. 51-58 and Table 3), the amounts of each color for each of the mixed color swatches being defined according to a function of the color parameters of the corresponding color (Figs. 4 and 6 and pars. 51-58 and Table 3).

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Regarding claim 42: Hawksworth satisfies all the elements of claim 26. Hawksworth further discloses instructions operable to cause the computer program to store the first plurality of mixed color swatches in association with the first mixed color group (Figs. 1, 4 and 6 and pars. 51-58 and Table 3).

Regarding claim 43: Hawksworth satisfies all the elements of claim 26. Hawksworth further discloses operable to cause the computer program to: receive user input specifying a change to the first mixed color group (Figs. 2 and 4 and pars. 39, 41 and 42); and modify the first mixed color group according to the specified change (Figs. 2 and 4 and pars. 39, 41 and 42).

Regarding claim 44: Hawksworth satisfies all the elements of claim 43. Hawksworth further discloses the first color represents a spot ink (Fig. 1, spot ink); the instructions to receive user input include instructions to convert the first color to two or more colors, where the two or more colors represent process inks (Fig. 2 and pars. 39, 41 and 42) (Figs. 4 and 6 and pars. 51-58 and Table 3); and the instructions to modify the first mixed color group include instructions to determine the percentage of the two or more colors representing process inks required to produce the mixed color swatches of the first mixed color group (Fig. 2 and pars. 39, 41 and 42) (Figs. 4 and 6 and pars. 50-58 and Table 3).

Regarding claim 45: Hawksworth satisfies all the elements of claim 43. Hawksworth further discloses the user input identifies a mixed color swatch of the first plurality of mixed color swatches (Fig. 2 and pars. 39, 41 and 42) (Figs. 4 and 6 and pars. 51-58 and Table 3); and the instructions operable to cause the computer program to modify the first mixed color group include deleting the identified mixed color swatch from the first mixed color group (Fig. 2 and pars. 39, 41 and 42) (Figs. 4 and 6 and pars. 50-58 and Table 3).

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Regarding claim 46: Hawksworth satisfies all the elements of claim 43. Hawksworth further discloses operable to cause the computer program to: define at least one tint for one of the mixed color swatches (Table 3, tint %); and modify the first mixed color group to include a swatch representing the at least one tint (Fig. 2 and pars. 39, 41 and 42) (Figs. 4 and 6 and pars. 50-58 and Table 3).

Regarding claim 47: Hawksworth satisfies all the elements of claim 46. Hawksworth further discloses operable to cause the computer program to: display a representation of the modified first mixed color group (Fig. 2 and pars. 39, 41 and 42) (Figs. 4 and 6 and pars. 50-58 and Table 3).

Regarding claim 48: Hawksworth satisfies all the elements of claim 46. Hawksworth further discloses receive a change to a parameter of at least one mixed color swatch (Fig. 2 and pars. 39, 41 and 42) (Figs. 4 and 6 and pars. 50-58 and Table 3); and modify the mixed color swatch according to the received change (Fig. 2 and pars. 39, 41 and 42) (Figs. 4 and 6 and pars. 50-58 and Table 3).

Regarding claim 49: Hawksworth satisfies all the elements of claim 26. Hawksworth further discloses associate a mixed color swatch of the plurality of first mixed color swatches with one or more locations in a document (Fig. 2, digital artwork and pars. 37-39, 41-42 and 50-58).

Regarding claim 50: Hawksworth satisfies all the elements of claim 26. Hawksworth further discloses receive a change to a parameter of the mixed color swatch (Fig. 2 and pars. 39, 41 and 42) (Figs. 4 and 6 and pars. 50-58 and Table 3); modify the mixed color swatch according to the received change (Fig. 2 and pars. 39, 41 and 42) (Figs. 4 and 6 and pars. 50-58 and Table 3); and

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associate the modified mixed color swatch with the one or more locations in the document (Fig. 2, digital artwork and pars. 37-39, 41-42 and 50-58).

Conclusion

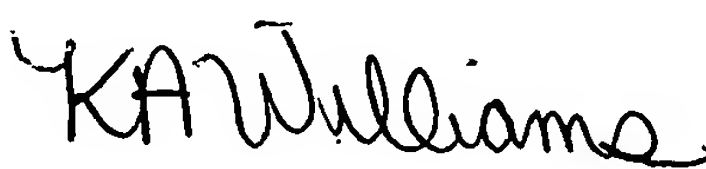
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hawksworth (US 2004/0113919 A1); Bloomer (6,262,810); Gill et al. (US 2002/0057833 A1); Van Bael (US 2003/0234943 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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